

Translation

PATENT COOPERATION TREATY

PCT/DE2003/003465



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 6448/I/002	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2003/003465	International filing date (day/month/year) 16 October 2003 (16.10.2003)	Priority date (day/month/year) 18 October 2002 (18.10.2002)
International Patent Classification (IPC) or national classification and IPC G01L 5/28		
Applicant FEMBOECK AUTOMOTIVE GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 17 May 2004 (17.05.2004)	Date of completion of this report 18 April 2005 (18.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2003/003465

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 1-21 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_ 1-59 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages \_\_\_\_\_ 1/5-5/5 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/DE 03/03465

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-59	YES
	Claims		NO
Inventive step (IS)	Claims	11-17	YES
	Claims	1-10, 18-59	NO
Industrial applicability (IA)	Claims	1-59	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Closest prior art

Reference is made to the following documents:

D1: US-A-1976632  
D2: US-B-6345237  
D3: DE-A-19505533.

#### 2. Novelty

Document D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses (the references between parentheses refer to D1):

a test stand for motor vehicles, said stand comprising a rolling arrangement (2, 3) with a running surface (2) for rotating the wheels (1), wherein:

- the running surface (2) is rotatively driven and can preferably be locked and/or braked and/or released;

/...

- the rolling arrangement (2, 3) is mounted with one degree of freedom in such a way that it is at least slightly displaceable;
- in order to determine the force generated by the motor vehicle when it brakes, the force acting between the rolling arrangement (1) and a predeterminable fixed point during braking can be measured.

Thus, the subject matter of claim 1 differs from the known test stand in that the rolling arrangement (2, 3) is mounted with two degrees of freedom in such a way that it is at least slightly displaceable.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

### 3. Inventive step

The problem addressed by the present application can thus be regarded as that of ensuring that the rolling arrangement (1) be mounted with at least two degrees of freedom in such a way that it is at least slightly displaceable and, thus, the force exerted on the rollers during different vehicle tests can be determined.

The solution proposed in claim 1 of the present application cannot be considered inventive (PCT Article 33(3)). The reasons are the following:

/...

Document D2 discloses a vehicle testing arrangement comprising the following features:

- a roller (1) is mounted with two degrees of freedom in such a way that it can be displaced in a perpendicular and a horizontal direction relative to the direction of travel (see figures 1, 2).

This feature makes it possible to carry out a plurality of vehicle tests using a single testing device.

If a person skilled in the art wished to achieve the same objective in a test stand as per document D1, he could easily apply these features to like effect to the subject matter of D1. In this way, he would arrive at a test stand as per claim 1 without thereby being inventive.

#### 4. Dependent claims

##### 4.1 Positive evaluation

The combination of features in claims 11-17 is not known from the available prior art, nor is it obvious therefrom.

##### 4.2 Negative evaluation

Dependent claims 22-10 and 18-59 contain no features which, combined with the features of any claim to which they relate, meet the PCT requirements for novelty and/or inventive step. The reasons are as follows:

Document D2 discloses a vehicle testing arrangement comprising the following features:

- a roller (1) is mounted with two degrees of freedom in such a way that it can be displaced in a perpendicular and a horizontal direction relative to the direction of travel (see figures 1, 2).

This feature makes it possible to carry out a plurality of vehicle tests using a single testing device.

If a person skilled in the art wished to achieve the same objective in a test stand as per document D1, he could easily apply these features to like effect to the subject matter of D1. In this way, he would arrive at a test stand as per claim 1 without thereby being inventive.

#### 4. Dependent claims

##### 4.1 Positive evaluation

The combination of features in claims 11-17 is not known from the available prior art, nor is it obvious therefrom.

##### 4.2 Negative evaluation

Dependent claims 22-10 and 18-59 contain no features which, combined with the features of any claim to which they relate, meet the PCT requirements for novelty and/or inventive step. The reasons are as follows:

**Claims 2 and 4:** all the features of said claims are to be found in document D2 (see figures 1 and 2).

**Claims 5, 6, 9 and 10:** document D3 discloses a test stand for motor vehicles, wherein:

- a rolling arrangement (16) can be rotated about a vertical z-axis within a frame (24) (see figure 4);
- the frame (24) is mounted in an oscillating arrangement (see figure 8).

The fact that the rolling arrangement (16) can be rotated makes it possible to test the braking and running characteristics of a wheel travelling round a bend. It was therefore obvious for a person skilled in the art also to apply said features to a test stand as per document D1 to like effect and, in this way, to would arrive at a test stand according to claims 5, 6, 9 and 10.

**Claims 3, 7, 8 and 18-59:** the features of said claims concern, in each case, only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest, without thereby being inventive.